

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA**
Richmond Division

ePLUS INC.,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 3:09cv620 (REP)
)	
LAWSON SOFTWARE, INC.,)	
)	
Defendant.)	

**DEFENDANT LAWSON SOFTWARE, INC.'S REPLY MEMORANDUM
IN SUPPORT OF MOTION TO CLARIFY ORDER**

Defendant Lawson Software, Inc. ("Lawson"), by counsel, states as follows for its reply memorandum in support of its motion requesting that the Court clarify its Order entered July 23, 2010 on Lawson's Motion in Limine No. 6 to Exclude Evidence of Publications Related to ePlus's Patent Enforcement Efforts, Litigation and Settlement Agreements [Dkt. No. 361]:

ARGUMENT

As it has repeatedly done, ePlus deliberately mistitles its opposition memorandum for the purpose of distorting Lawson's motion and conveniently ignores the Court's grounds for denying Lawson's Motion in Limine No. 6 as moot. Lawson's motion does not seek reconsideration of the Court's ruling on Motion in Limine No. 6. Rather, Lawson simply asks the Court to clarify its ruling that the motion was moot because of the Court's denial of Lawson's Motion in Limine No. 4, when in fact the Court granted Lawson's Motion in Limine No. 4. Second, ePlus incorrectly asserts that the Court's summary judgment ruling rejected the arguments raised in Lawson's Motion in Limine No. 6. In truth, the Court's summary judgment ruling does not contain any evidentiary rulings, including any ruling regarding the inadmissible hearsay documents identified in Lawson's Motion in Limine No. 6.

ePlus is forced to make these straw man arguments because it cannot otherwise challenge the grounds for Lawson's Motion of Clarification. ePlus does not contest that the Order denying Motion in Limine No. 6 as moot incorrectly states that Motion in Limine No. 4 regarding Mr. Manbeck was denied. ePlus also does not contest that, regardless of the ruling on Mr. Manbeck's testimony, the admissibility of the evidence that is the subject of Motion in Limine No. 6 is not moot. ePlus does not set forth any foundation for the admission of that evidence nor does it contest Lawson's showing that such evidence is both irrelevant and unfairly prejudicial. For all those reasons, Lawson respectfully requests that the Court clarify its Order on Lawson's Motion in Limine No. 6 and exclude the documents identified in that motion and any evidence of ePlus's patent marking practices for the reasons stated in Lawson's memoranda previously filed in support of that motion.

LAWSON SOFTWARE, INC.

By _____/s/_____
Of Counsel

Dabney J. Carr, IV (VSB No. 28679)
Robert A. Angle (VSB No. 37691)
Megan C. Rahman (VSB No. 42678)
dabney.carr@troutmansanders.com
robert.angle@troutmansanders.com
megan.rahman@troutmansanders.com
TROUTMAN SANDERS LLP
1001 Haxall Point, Richmond, VA 23219
Telephone: (804) 697-1200
Facsimile: (804) 697-1339

Daniel McDonald (admitted *pro hac vice*)
William D. Schultz (admitted *pro hac vice*)
Rachel C. Hughey (admitted *pro hac vice*)
Andrew J. Lagatta (admitted *pro hac vice*)
Joshua P. Graham (admitted *pro hac vice*)

MERCHANT & GOULD P.C.

3200 IDS Center, 80 South Eighth Street,
Minneapolis, MN 55402
Telephone: (612) 332-5300
Facsimile: (612) 332-9081

Counsel for Defendant Lawson Software, Inc.

CERTIFICATE OF SERVICE

I certify that on this 26th day of July, 2010, a true copy of the foregoing was delivered by electronic mail to the following:

Craig T. Merritt
Henry I. Willett, III
CHRISTIAN & BARTON, LLP
909 East Main Street, Suite 1200
Richmond, Virginia 23219-3095
cmerritt@cblaw.com
hwillett@cblaw.com

James D. Clements
Goodwin Procter, LLP
Exchange Place
53 State Street
Boston, MA 02109-2881
jclements@goodwinprocter.com

Scott L. Robertson
Jennifer A. Albert
David M. Young (VSB No. 35997)
Goodwin Procter, LLP
901 New York Avenue, N.W.
Washington, DC 20001
srobertson@goodwinprocter.com
jalbert@goodwinprocter.com
dyoung@goodwinprocter.com

Attorneys for Plaintiff

/s/

Dabney J. Carr, IV (VSB No. 28679)
Robert A. Angle (VSB No. 37691)
Megan C. Rahman (VSB No. 42678)
dabney.carr@troutmansanders.com
robert.angle@troutmansanders.com
megan.rahman@troutmansanders.com
TROUTMAN SANDERS LLP
1001 Haxall Point
Richmond, VA 23219
Telephone: (804) 697-1200
Facsimile: (804) 697-1339
Counsel for Defendant Lawson Software, Inc.